

JOURNAL OF THE SENATE

EIGHTY-EIGHTH SESSION

THIRTY-FOURTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, March 5, 2013

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Father David Hussey, followed by the Pledge of Allegiance led by Senate page Garrett Keegan.

Roll Call: All members present except Sen. Buhl who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the thirty-third day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

HONORED GUEST

The President introduced Molly Hermann, Sturgis, 2012 Girls' State Governor, to the body.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 34, 44, 66, 84, 120, 153, 154, 158, 166, 174, 198, and 199 and finds the same correctly enrolled.

Also MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that SB 6, 74, 83, 96, 115, 119, 130, 145, 156, and 227 were delivered to his Excellency, the Governor, for his approval at 11:30 a.m., March 5, 2013.

Respectfully submitted,
Corey Brown, Chair

REPORT OF CONFERENCE COMMITTEE

cc39A

MR. PRESIDENT:

The Conference Committee respectfully reports that it has considered SB 39 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that SB 39 be amended as follows:

39rk

On page 5, after line 7 of the House engrossed bill, insert:

"Section 4. That § 23A-27-1.1 be amended to read as follows:

23A-27-1.1. ~~Upon~~ If a defendant has been convicted of an A, B, or C felony, upon request to the court by a victim and before imposing sentence on a defendant, the victim, ~~in the discretion of the court, may~~ has the right to orally address the court concerning the emotional, physical, and monetary impact of the defendant's crime upon the victim and the victim's family, and may comment upon the sentence which may be imposed upon the defendant.

If a defendant has been convicted of any other felony or misdemeanor, upon request to the court by a victim and before imposing sentence on a defendant, the victim, in the discretion of the court, may orally address the court concerning the emotional, physical, and monetary impact of the defendant's crime upon the victim and the victim's family, and may comment upon the sentence which may be imposed upon the defendant.

The defendant shall be permitted to respond to such statements orally or by presentation of evidence and shall be granted a reasonable continuance to refute any inaccurate or false charges or statements.

For the purpose of this section, the term, victim, means the actual victim or the parent, spouse, next of kin, legal or physical custodian, guardian, foster parent, case worker, victim advocate, or mental health counselor of any actual victim who is incompetent by reason of age or physical condition, who is deceased, or whom the court finds otherwise unable to comment.

Section 5. That § 23A-27-1.3 be amended to read as follows:

~~23A-27-1.3. Upon~~ If a defendant has been convicted of an A, B, or C felony, upon request to the court by a victim and before imposing sentence on a defendant, a victim, in the discretion of the court, may ~~has a right to~~ address the court in writing concerning the emotional, physical, and monetary impact of the defendant's crime upon the victim and the victim's family, and may comment upon the sentence which may be imposed upon the defendant.

If a defendant has been convicted of any other felony or misdemeanor, upon request to the court by a victim and before imposing sentence on a defendant, the victim, in the discretion of the court, may address the court in writing concerning the emotional, physical, and monetary impact of the defendant's crime upon the victim and the victim's family, and may comment upon the sentence which may be imposed upon the defendant.

The defendant shall be permitted to respond to such statements and shall be granted a reasonable continuance to refute any inaccurate or false charges or statements.

For the purpose of this section, the term, victim, means anyone adversely impacted emotionally, physically, or monetarily by the defendant's crime."

Respectfully submitted,
Mike Stevens
House Committee Chair

Respectfully submitted,
Craig Tieszen
Senate Committee Chair

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to inform your honorable body that SB 180 and 216 were lost on second reading and final passage.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has concurred in Senate
3 amendments to HB 1075, 1087, 1126, 1144, 1163, and 1208.

4 Also MR. PRESIDENT:

5 I have the honor to return herewith SB 59 and 106 which have been amended by the House
6 and your concurrence in the amendments is respectfully requested.

7 Also MR. PRESIDENT:

8 I have the honor to return herewith SB 66, 153, 154, 158, 166, and 199 which have passed
9 the House without change.

10 Also MR. PRESIDENT:

11 I have the honor to inform your honorable body that the House has appointed Reps. Lust,
12 Stevens, and Heinert as a committee of three on the part of the House to meet with a like
13 committee on the part of the Senate to adjust the differences between the two houses on SB 147.

14 Also MR. PRESIDENT:

15 I have the honor to inform your honorable body that the House has appointed Reps.
16 Munsterman, Novstrup, and Parsley as a committee of three on the part of the House to meet
17 with a like committee on the part of the Senate to adjust the differences between the two houses
18 on SB 5.

19 Also MR. PRESIDENT:

20 I have the honor to inform your honorable body that the House has appointed Reps. Johns,
21 Stevens, and Killer as a committee of three on the part of the House to meet with a like
22 committee on the part of the Senate to adjust the differences between the two houses on SB 39.

23 Respectfully,
24 Arlene Kvislen, Chief Clerk

1

MOTIONS AND RESOLUTIONS

2 Sen. Olson moved that today's calendar for second reading of House Bills be rearranged
3 as follows: HB 1142, 1165, 1212, 1030, 1033, 1068, 1122, 1096, 1123, 1130, 1171, 1168, 1060,
4 1137, 1161, 1184, 1214, 1239, 1164, 1189, and 1050.

5 Which motion prevailed.

6 Sen. Olson moved that when we adjourn today, we adjourn to convene at 10:30 a.m.,
7 Wednesday, March 6, the 35th legislative day.

8 Which motion prevailed.

9 Sen. Sutton moved that the rules be suspended for the sole purpose of introducing, giving
10 first reading to, dispensing with committee referral, and placing on tomorrow's calendar SR 2
11 Commending the Jobs for America's Graduates (JAG) pilot program at Wagner Community
12 School, and honoring Sage Zephier for delivering the student address for the JAG National
13 Leadership Awards luncheon in Washington, D.C.

14 The question being on Sen. Sutton's motion that the rules be suspended for the sole purpose
15 of introducing, giving first reading to, dispensing with committee referral, and placing on
16 tomorrow's calendar SR 2 Commending the Jobs for America's Graduates (JAG) pilot program
17 at Wagner Community School, and honoring Sage Zephier for delivering the student address
18 for the JAG National Leadership Awards luncheon in Washington, D.C.

19 And the roll being called:

20 Yeas 34, Nays 0, Excused 1, Absent 0

21 Yeas:

22 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
23 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
24 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
25 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

26 Excused:

27 Buhl

28 So the motion having received an affirmative vote of a two-thirds majority of the members-
29 elect, the President declared the motion carried.

30 SR 2 Introduced by: Senators Sutton, Adelstein, Begalka, Bradford, Brown, Buhl, Ewing,
31 Frerichs, Holien, Johnston, Jones, Kirkeby, Krebs, Lederman, Lucas, Maher, Novstrup (Al),

Olson (Russell), Omdahl, Otten (Ernie), Rhoden, Tidemann, Van Gerpen, Vehle, Welke, and White

A RESOLUTION, Commending the Jobs for America's Graduates (JAG) pilot program at Wagner Community School, and honoring Sage Zephier for delivering the student address for the JAG National Leadership Awards Luncheon in Washington, D.C.

WHEREAS, Jobs for America's Graduates (JAG) is a state-based national nonprofit organization dedicated to helping students stay in school through graduation, pursue postsecondary education, and secure quality entry-level jobs leading to career advancement opportunities; and

WHEREAS, the JAG pilot program at Wagner Community School is helping Wagner area students between seventh and twelfth grades develop leadership skills, participate in community service, prepare for college, and identify high quality careers; and

WHEREAS, the Wagner Community School, staff, and JAG specialists including Superintendent Susan Smit, High School Principal Neil Goter, Middle School Principal Steve Petry, and JAG specialists Renee VanDerWerff, Tana Langdeaux, Vanessa Iverson, and John Tyler have been successfully leading the program with its first graduating class in 2013; and

WHEREAS, the 2013 graduating class includes Cheyenne Eldredge, Laurelle Gunhammer, Noah Leines, Joseph Mattis, Clarissa Medicine Horn, Clifford O'Connor, Korey Patterson, Tyler Provost, Sierra Williamson, Alexander "Zane" Zephier, and Sage Zephier; and

WHEREAS, among the graduating class, Sage Zephier was selected from more than forty-three thousand JAG students nationwide to deliver the student address for the JAG National Leadership Awards Luncheon in front of one thousand attendees in Washington, D.C:

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-Eighth Legislature of the State of South Dakota, that the Senate commends Wagner Community School, staff, and students in JAG for their efforts to help South Dakota students succeed; and

BE IT FURTHER RESOLVED, that the Senate honors Sage Zephier for delivering the student address for the JAG National Leadership Awards Luncheon in Washington, D.C.

Was read the first time, the President waived the referral to committee, and placed SR 2 on the calendar of Wednesday, March 6, the 35th legislative day.

SCR 4: A CONCURRENT RESOLUTION, Making a formal application to Congress to call a limited constitutional convention for the sole purpose of proposing for ratification an amendment to the Constitution providing that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

Was read the second time.

1 Sen. Lucas rose to a point of order that SCR 4 was submitted past the deadline for
2 introduction of concurrent resolutions (LD 28). The President ruled in favor of Sen. Lucas's
3 point of order and SCR 4 was removed from the calendar.

4 Sen. Lederman moved that the rules be suspended for the sole purpose of introducing,
5 giving first reading to, dispensing with committee referral, and placing on today's calendar for
6 immediate consideration SCR 4.

7 The question being on Sen. Lederman's motion that the rules be suspended for the sole
8 purpose of introducing, giving first reading to, dispensing with committee referral, and placing
9 on today's calendar for immediate consideration SCR 4.

10 And the roll being called:

11 Yeas 33, Nays 1, Excused 1, Absent 0

12 Yeas:

13 Adelstein; Begalka; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);
14 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
15 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
16 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

17 Nays:

18 Bradford

19 Excused:

20 Buhl

21 So the motion having received an affirmative vote of a two-thirds majority of the members-
22 elect, the President declared the motion carried.

23 SCR 4: A CONCURRENT RESOLUTION, Making a formal application to Congress to
24 call a limited constitutional convention for the sole purpose of proposing for ratification an
25 amendment to the Constitution providing that an increase in the federal debt requires approval
26 from a majority of the legislatures of the separate states.

27 Having had its second reading was up for consideration

28 Sen. Lederman moved that SCR 4 be adopted.

29 The question being on Sen. Lederman's motion that SCR 4 be adopted.

30 And the roll being called:

1 Yeas 7, Nays 27, Excused 1, Absent 0

2 Yeas:

3 Heineman (Phyllis); Holien; Johnston; Lederman; Maher; Novstrup (Al); Omdahl

4 Nays:

5 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Hunhoff (Jean); Jensen; Jones; Kirkeby;
6 Krebs; Lucas; Monroe; Olson (Russell); Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
7 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

8 Excused:

9 Buhl

10 So the motion not having received an affirmative vote of a majority of the members-elect,
11 the President declared the motion lost.

12 Sen. Olson announced his intention to reconsider the vote by which HB 1085 lost.

13 Sen. Olson moved that the Senate do now reconsider the vote by which HB 1085 lost.

14 The question being on Sen. Olson's motion to reconsider the vote by which HB 1085 lost.

15 And the roll being called:

16 Yeas 34, Nays 0, Excused 1, Absent 0

17 Yeas:

18 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
19 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
20 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
21 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

22 Excused:

23 Buhl

24 So the motion having received an affirmative vote of a majority of the members-elect, the
25 President declared the motion carried and HB 1085 was up for reconsideration and final
26 passage.

27 HB 1085: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
28 notice given to municipalities and counties for bingo games and lotteries.

29 Having had its second reading was up for reconsideration and final passage.

1 The question being "Shall HB 1085 pass as amended?"

2 And the roll being called:

3 Yeas 31, Nays 3, Excused 1, Absent 0

4 Yeas:

5 Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen;
6 Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson
7 (Russell); Omdahl; Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;
8 Van Gerpen; Vehle; Welke; White

9 Nays:

10 Adelstein; Begalka; Otten (Ernie)

11 Excused:

12 Buhl

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 President declared the bill passed and the title was agreed to.

15 **CONSIDERATION OF REPORT OF CONFERENCE COMMITTEE**

16 Sen. Vehle moved that the report of the Conference Committee on SB 151 as found on
17 page 640 of the Senate Journal be adopted.

18 The question being on Sen. Vehle's motion that the report of the Conference Committee
19 on SB 151 be adopted.

20 And the roll being called:

21 Yeas 34, Nays 0, Excused 1, Absent 0

22 Yeas:

23 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
24 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
25 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
26 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

27 Excused:

28 Buhl

29 So the motion having received an affirmative vote of a majority of the members-elect, the
30 President declared the motion carried and the report was adopted.

1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Sen. Olson moved that the reports of the Standing Committees on
3 Commerce and Energy on HB 1142 as found on page 635 of the Senate Journal; also
4 Appropriations on HB 1184 as found on page 635 of the Senate Journal; also
5 State Affairs on HB 1165 as found on page 636 of the Senate Journal; also
6 State Affairs on HB 1212 as found on page 638 of the Senate Journal; also
7 Health and Human Services on HB 1214 as found on page 639 of the Senate Journal; also
8 State Affairs on HB 1220 as found on page 638 of the Senate Journal be adopted.
9 Which motion prevailed.

10 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

11 The Senate proceeded to the consideration of the executive reappointment of James C.
12 Roby of Codington County, Watertown, South Dakota, to the South Dakots Building Authority.

13 The question being "Does the Senate advise and consent to the executive reappointment
14 of James C. Roby pursuant to the executive message as found on page 442 of the Senate
15 Journal?"

16 And the roll being called:

17 Yeas 33, Nays 0, Excused 2, Absent 0

18 Yeas:

19 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
20 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
21 (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann;
22 Tieszen; Van Gerpen; Vehle; Welke; White

23 Excused:

24 Buhl; Olson (Russell)

25 So the question having received an affirmative vote of a majority of the members-elect, the
26 President declared the reappointment confirmed.

1 **SECOND READING OF CONSENT CALENDAR ITEMS**

2 HB 1220: FOR AN ACT ENTITLED, An Act to permit the use of golf carts under certain
3 circumstances within state parks or recreation areas.

4 Was read the second time.

5 The question being "Shall HB 1220 pass as amended?"

6 And the roll being called:

7 Yeas 33, Nays 0, Excused 2, Absent 0

8 Yeas:

9 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
10 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
11 (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann;
12 Tieszen; Van Gerpen; Vehle; Welke; White

13 Excused:

14 Buhl; Olson (Russell)

15 So the bill having received an affirmative vote of a majority of the members-elect, the
16 President declared the bill passed and the title was agreed to.

17 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

18 HB 1142: FOR AN ACT ENTITLED, An Act to promote patient choice in selecting health
19 care providers.

20 Was read the second time.

21 The question being "Shall HB 1142 pass as amended?"

22 And the roll being called:

23 Yeas 11, Nays 23, Excused 1, Absent 0

24 Yeas:

25 Adelstein; Begalka; Brown; Holien; Jensen; Maher; Novstrup (Al); Olson (Russell); Omdahl;
26 Tieszen; Vehle

1 Nays:

2 Bradford; Ewing; Frerichs; Heineman (Phyllis); Hunhoff (Jean); Johnston; Jones; Kirkeby;
3 Krebs; Lederman; Lucas; Monroe; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt;
4 Sutton; Tidemann; Van Gerpen; Welke; White

5 Excused:

6 Buhl

7 So the bill not having received an affirmative vote of a majority of the members-elect, the
8 President declared the bill lost.

9 HB 1165: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
10 agricultural land task force.

11 Was read the second time.

12 The question being "Shall HB 1165 pass as amended?"

13 And the roll being called:

14 Yeas 33, Nays 1, Excused 1, Absent 0

15 Yeas:

16 Adelstein; Begalka; Bradford; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);
17 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
18 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt; Sutton;
19 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

20 Nays:

21 Brown

22 Excused:

23 Buhl

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 President declared the bill passed and the title was agreed to.

26 HB 1212: FOR AN ACT ENTITLED, An Act to increase the expense allowances of
27 legislators.

28 Was read the second time.

29 The question being "Shall HB 1212 pass as amended?"

1 And the roll being called:

2 Yeas 18, Nays 15, Excused 2, Absent 0

3 Yeas:

4 Adelstein; Begalka; Bradford; Frerichs; Heineman (Phyllis); Holien; Jensen; Jones; Lederman;
5 Maher; Novstrup (Al); Peters; Rave; Rhoden; Sutton; Tidemann; Tieszen; Vehle

6 Nays:

7 Brown; Ewing; Hunhoff (Jean); Johnston; Kirkeby; Krebs; Lucas; Monroe; Omdahl; Otten
8 (Ernie); Rampelberg; Soholt; Van Gerpen; Welke; White

9 Excused:

10 Buhl; Olson (Russell)

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill passed and the title was agreed to.

13 HB 1030: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
14 Authority to finance the construction of improvements in the state park system for the
15 Department of Game, Fish and Parks and to declare an emergency.

16 Was read the second time.

17 The question being "Shall HB 1030 pass as amended?"

18 And the roll being called:

19 Yeas 29, Nays 4, Excused 2, Absent 0

20 Yeas:

21 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
22 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Novstrup (Al); Olson
23 (Russell); Omdahl; Otten (Ernie); Rampelberg; Rhoden; Soholt; Sutton; Tidemann; Tieszen;
24 Van Gerpen; Vehle; Welke

25 Nays:

26 Maher; Monroe; Peters; White

27 Excused:

28 Buhl; Rave

29 So the bill having received an affirmative vote of a two-thirds majority of the members-
30 elect, the President declared the bill passed and the title was agreed to.

1 HB 1033: FOR AN ACT ENTITLED, An Act to authorize the Department of Social
2 Services to dismantle, demolish, preserve, or rehabilitate buildings on the Human Services
3 Center campus in Yankton, South Dakota, to make an appropriation therefor, and to declare an
4 emergency.

5 Was read the second time.

6 The question being "Shall HB 1033 pass?"

7 And the roll being called:

8 Yeas 26, Nays 7, Excused 2, Absent 0

9 Yeas:

10 Adelstein; Begalka; Brown; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen;
11 Johnston; Kirkeby; Krebs; Lederman; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten
12 (Ernie); Peters; Rampelberg; Rhoden; Soholt; Tidemann; Tieszen; Van Gerpen; Vehle; White

13 Nays:

14 Bradford; Frerichs; Jones; Lucas; Maher; Sutton; Welke

15 Excused:

16 Buhl; Rave

17 So the bill having received an affirmative vote of a two-thirds majority of the members-
18 elect, the President declared the bill passed and the title was agreed to.

19 HB 1068: FOR AN ACT ENTITLED, An Act to repeal certain provisions relating to the
20 deferral of action by municipalities on committee reports.

21 Was read the second time.

22 The question being "Shall HB 1068 pass?"

23 And the roll being called:

24 Yeas 33, Nays 1, Excused 1, Absent 0

25 Yeas:

26 Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);
27 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
28 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
29 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

30 Nays:

31 Adelstein

1 Excused:
2 Buhl

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill passed and the title was agreed to.

5 HB 1122: FOR AN ACT ENTITLED, An Act to revise certain requirements relating to
6 health insurance plans for county officers and employees.

7 Was read the second time.

8 1122ta

9 Sen. Van Gerpen moved that HB 1122 be amended as follows:

10 On page 1, line 9, of the printed bill, after "." insert "Any county self-insuring pursuant to
11 this section shall purchase sufficient stop loss insurance and maintain sufficient reserves to
12 ensure the availability of funds for the payment of benefits provided under the self-funded plan."

13 Which motion prevailed.

14 The question being "Shall HB 1122 pass as amended?"

15 And the roll being called:

16 Yeas 33, Nays 1, Excused 1, Absent 0

17 Yeas:
18 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
19 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
20 (Al); Olson (Russell); Omdahl; Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Sutton;
21 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

22 Nays:
23 Peters

24 Excused:
25 Buhl

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 HB 1096: FOR AN ACT ENTITLED, An Act to provide for the transfer and appropriation
29 of funds upon the occurrence of certain events and to assist rural counties in the recruitment of
30 attorneys.

1 Was read the second time.

2 The question being "Shall HB 1096 pass as amended?"

3 And the roll being called:

4 Yeas 27, Nays 6, Excused 2, Absent 0

5 Yeas:

6 Begalka; Bradford; Brown; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Johnston;
7 Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson (Russell);
8 Peters; Rampelberg; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Vehle; Welke; White

9 Nays:

10 Adelstein; Ewing; Jensen; Omdahl; Otten (Ernie); Rave

11 Excused:

12 Buhl; Van Gerpen

13 So the bill having received an affirmative vote of a two-thirds majority of the members-
14 elect, the President declared the bill passed and the title was agreed to.

15 HB 1123: FOR AN ACT ENTITLED, An Act to increase the surcharge on certain hunting
16 licenses.

17 Was read the second time.

18 1123ta

19 Sen. Olson moved that HB 1123 be amended as follows:

20 On page 2, after line 5 of the printed bill, insert:

21 "Section 2. There is hereby appropriated from the general fund the sum of three hundred
22 thousand dollars (\$300,000), or so much thereof as may be necessary, to the animal damage
23 control fund administered by the Department of Game, Fish, and Parks to expand predator
24 control services.

25 Section 3. The Department of Game, Fish, and Parks may contract for direct aerial predator
26 control services or provide grants to predator control districts or other local government entities
27 that can provide aerial predator control or other direct predator control services.

28 Section 4. The secretary of the Department of Game, Fish, and Parks shall approve vouchers
29 and the state auditor shall draw warrants to pay expenditures authorized by this Act.

1 Section 5. Any amounts appropriated in this Act not lawfully expended or obligated by
2 June 30, 2014, shall revert in accordance with the procedures prescribed in chapter 4-8.

3 Section 6. Whereas, this Act is necessary for the support of the state government and its
4 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
5 full force and effect from and after its passage and approval."

6 Which motion prevailed.

7 The question being "Shall HB 1123 pass as amended?"

8 And the roll being called:

9 Yeas 26, Nays 8, Excused 1, Absent 0

10 Yeas:

11 Adelstein; Begalka; Brown; Ewing; Frerichs; Heineman (Phyllis); Johnston; Kirkeby; Krebs;
12 Lederman; Maher; Monroe; Novstrup (Al); Olson (Russell); Otten (Ernie); Peters; Rampelberg;
13 Rave; Rhoden; Soholt; Sutton; Tidemann; Van Gerpen; Vehle; Welke; White

14 Nays:

15 Bradford; Holien; Hunhoff (Jean); Jensen; Jones; Lucas; Omdahl; Tieszen

16 Excused:

17 Buhl

18 So the bill having received an affirmative vote of a two-thirds majority of the members-
19 elect, the President declared the bill passed.

20 The question being on the title.

21 1123tta

22 Sen. Olson moved that the title to HB 1123 be amended as follows:

23 On page 1, line 1, of the printed bill, after "licenses" insert "for predator control purposes,
24 to make an appropriation therefor, and to declare an emergency."

25 Which motion prevailed.

26 HB 1130: FOR AN ACT ENTITLED, An Act to define certain terms relating to bail bonds.

27 Was read the second time.

1 The question being "Shall HB 1130 pass as amended?"

2 And the roll being called:

3 Yeas 30, Nays 4, Excused 1, Absent 0

4 Yeas:

5 Begalka; Bradford; Brown; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen;
6 Johnston; Jones; Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Olson (Russell);
7 Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Tidemann; Tieszen; Van
8 Gerpen; Vehle; Welke; White

9 Nays:

10 Adelstein; Frerichs; Lucas; Sutton

11 Excused:

12 Buhl

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 President declared the bill passed and the title was agreed to.

15 HB 1171: FOR AN ACT ENTITLED, An Act to exempt certain property from bankruptcy
16 levy.

17 Was read the second time.

18 The question being "Shall HB 1171 pass as amended?"

19 And the roll being called:

20 Yeas 30, Nays 4, Excused 1, Absent 0

21 Yeas:

22 Adelstein; Begalka; Bradford; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);
23 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Olson (Russell); Omdahl;
24 Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van
25 Gerpen; Vehle; Welke; White

26 Nays:

27 Brown; Monroe; Novstrup (Al); Vehle

28 Excused:

29 Buhl

30 So the bill having received an affirmative vote of a majority of the members-elect, the
31 President declared the bill passed and the title was agreed to.

1 HB 1168: FOR AN ACT ENTITLED, An Act to increase certain levies relating to predator
2 control districts.

3 Was read the second time.

4 The question being "Shall HB 1168 pass as amended?"

5 And the roll being called:

6 Yeas 25, Nays 9, Excused 1, Absent 0

7 Yeas:

8 Adelstein; Begalka; Bradford; Frerichs; Heineman (Phyllis); Hunhoff (Jean); Johnston; Jones;
9 Kirkeby; Krebs; Lederman; Lucas; Maher; Olson (Russell); Otten (Ernie); Rave; Rhoden;
10 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

11 Nays:

12 Brown; Ewing; Holien; Jensen; Monroe; Novstrup (Al); Omdahl; Peters; Rampelberg

13 Excused:

14 Buhl

15 So the bill having received an affirmative vote of a two-thirds majority of the members-
16 elect, the President declared the bill passed and the title was agreed to.

17 HB 1060: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act
18 for fiscal year 2013.

19 Was read the second time.

20 The question being "Shall HB 1060 pass as amended?"

21 And the roll being called:

22 Yeas 31, Nays 3, Excused 1, Absent 0

23 Yeas:

24 Adelstein; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);
25 Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson
26 (Russell); Omdahl; Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;
27 Van Gerpen; Vehle; Welke; White

28 Nays:

29 Begalka; Jensen; Otten (Ernie)

1 On the previously adopted amendment (1137mb), in Section 3, delete "one hundred
2 thousand dollars (\$100,000)" and insert "two hundred fifty thousand dollars (\$250,000)".

3 1137tb

4 Sen. Lucas moved as a substitute motion that Sen. Rave's amendment to HB 1137 be
5 amended as follows:

6 On the previously adopted amendment (1137mb), delete Section 3.

7 Sen. Olson moved the previous question.

8 Which motion prevailed.

9 Sen. Lucas requested a roll call vote.

10 Which request was supported.

11 The question being on Sen. Lucas's substitute motion that HB 1137 be amended.

12 And the roll being called:

13 Yeas 9, Nays 25, Excused 1, Absent 0

14 Yeas:

15 Begalka; Bradford; Frerichs; Jones; Lucas; Otten (Ernie); Sutton; Tieszen; Welke

16 Nays:

17 Adelstein; Brown; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston;
18 Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Peters;
19 Rampelberg; Rave; Rhoden; Soholt; Tidemann; Van Gerpen; Vehle; White

20 Excused:

21 Buhl

22 So the motion not having received an affirmative vote of a majority of the members
23 present, the President declared the motion lost.

24 Sen. Rave moved the previous question.

25 Which motion prevailed.

1 Sen. Kirkeby requested a roll call vote.

2 Which request was supported.

3 The question being on Sen. Johnston's motion that SB 1137 be amended.

4 And the roll being called:

5 Yeas 27, Nays 7, Excused 1, Absent 0

6 Yeas:

7 Adelstein; Begalka; Brown; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen;
8 Johnston; Jones; Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Olson (Russell);
9 Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Van Gerpen; Vehle; White

10 Nays:

11 Bradford; Frerichs; Lucas; Sutton; Tidemann; Tieszen; Welke

12 Excused:

13 Buhl

14 So the motion having received an affirmative vote of a majority of the members present,
15 the President declared the motion carried.

16 The question being "Shall HB 1137 pass as amended?"

17 And the roll being called:

18 Yeas 33, Nays 0, Excused 2, Absent 0

19 Yeas:

20 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
21 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
22 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
23 Sutton; Tidemann; Van Gerpen; Vehle; Welke; White

24 Excused:

25 Buhl; Tieszen

26 So the bill having received an affirmative vote of a two-thirds majority of the members-
27 elect, the President declared the bill passed and the title was agreed to.

28 The question being on the title.

1 1137mta

2 Sen. Rave moved that the title to HB 1137 be amended as follows:

3 On page 1, line 1, of the printed bill, after "Dakota" insert ", to make an appropriation
4 therefor, and to declare an emergency".

5 Which motion prevailed.

6 HB 1161: FOR AN ACT ENTITLED, An Act to establish and provide certain incentives
7 for projects that create new jobs or promote economic activity and to establish the rural
8 economic development partnership program.

9 Was read the second time.

10 Sen. Rave moved that HB 1161 be laid on the table.

11 The question being on Sen. Rave's motion that HB 1161 be laid on the table.

12 And the roll being called:

13 Yeas 34, Nays 0, Excused 1, Absent 0

14 Yeas:

15 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
16 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
17 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt;
18 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

19 Excused:

20 Buhl

21 So the motion having received an affirmative vote of a majority of the members-elect, the
22 President declared the motion carried.

23 HB 1184: FOR AN ACT ENTITLED, An Act to make an appropriation to the Department
24 of Game, Fish and Parks to fund certain improvements to the state park system.

25 Was read the second time.

26 The question being "Shall HB 1184 pass as amended?"

27 And the roll being called:

1 Yeas 32, Nays 2, Excused 1, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
4 (Jean); Jensen; Johnston; Kirkeby; Krebs; Lederman; Lucas; Monroe; Novstrup (Al); Olson
5 (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt; Sutton;
6 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 Nays:

8 Jones; Maher

9 Excused:

10 Buhl

11 So the bill having received an affirmative vote of a two-thirds majority of the members-
12 elect, the President declared the bill passed and the title was agreed to.

13 HB 1214: FOR AN ACT ENTITLED, An Act to expand Medicaid eligibility for pregnant
14 women and to make an appropriation therefor.

15 Was read the second time.

16 1214ma

17 Sen. Hunhoff moved that HB 1214 be amended as follows:

18 On page 2, after line 6 of the Senate Health and Human Services Committee engrossed bill,
19 insert:

20 "Section 6. Whereas, this Act is necessary for the support of the state government and its
21 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
22 full force and effect from and after its passage and approval."

23 Which motion prevailed.

24 The question being "Shall HB 1214 pass as amended?"

25 And the roll being called:

26 Yeas 30, Nays 4, Excused 1, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
3 (Jean); Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
4 Olson (Russell); Omdahl; Peters; Rave; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
5 Welke; White

6 Nays:

7 Jensen; Otten (Ernie); Rampelberg; Rhoden

8 Excused:

9 Buhl

10 So the bill having received an affirmative vote of a two-thirds majority of the members-
11 elect, the President declared the bill passed.

12 The question being on the title.

13 1214mta

14 Sen. Hunhoff moved that the title to HB 1214 be amended as follows:

15 On page 1, line 2, of the Senate Health and Human Services Committee engrossed bill,
16 after "therefor" insert ", and to declare an emergency".

17 Which motion prevailed.

18 HB 1239: FOR AN ACT ENTITLED, An Act to authorize school districts to use certain
19 tax levies for pension and health insurance purposes.

20 Was read the second time.

21 1239ma

22 Sen. Tidemann moved that HB 1239 be amended as follows:

23 On the House engrossed bill, delete everything after the enacting clause and insert:

24 "Section 1. There is hereby appropriated from the general fund the sum of two million
25 dollars (\$2,000,000) or so much thereof as may be necessary, to the Board of Regents for the
26 purpose of funding increased employee health insurance costs. The executive director of the
27 Board of Regents shall distribute the funds to the universities as follows: \$577,203 to the
28 University of South Dakota; \$43,685 to the University of South Dakota School of Medicine;
29 \$673,917 to South Dakota State University; \$140,377 to the South Dakota School of Mines and
30 Technology; \$186,933 to Northern State University; \$232,680 to Black Hills State University;
31 and \$145,205 to Dakota State University.

Section 2. The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized in this Act.

Section 3. Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2013, shall revert in accordance with § 4-8.

Section 4. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

Which motion prevailed.

The question being "Shall HB 1239 pass as amended?"

And the roll being called:

Yeas 28, Nays 5, Excused 2, Absent 0

Yeas:

Adelstein; Brown; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Vehle; Welke; White

Nays:

Begalka; Bradford; Frerichs; Lucas; Van Gerpen

Excused:

Buhl; Rave

So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the President declared the bill passed.

The question being on the title.

1239mta

Sen. Tidemann moved that the title to HB 1239 be amended as follows:

On page 1, line 1, of the House engrossed bill, delete everything after "Act to" and insert "appropriate money to the Board of Regents for the purpose of funding increased employee health insurance costs, and to declare an emergency."

On page 1, delete line 2.

Which motion prevailed.

1 HB 1164: FOR AN ACT ENTITLED, An Act to establish a classroom innovation grant
2 program and to make an appropriation therefor.

3 Was read the second time.

4 1164ce

5 Sen. Heineman moved that HB 1164 be amended as follows:

6 On page 1, line 5, of the House engrossed bill, before "classroom" delete "to" and insert
7 "for".

8 On page 1, delete line 6, and insert "innovation to allow classroom teachers to utilize
9 technology in creative and innovative ways".

10 On page 1, line 7, after "students." Insert "Applications for the innovation grants may be
11 submitted by individual teachers, school districts, or education service agencies established
12 pursuant to § 13-3-76."

13 On page 1, line 8, delete "one dollar (\$1)" and insert "five hundred thousand dollars
14 (\$500,000)".

15 On page 1, line 9, after "distribution" delete "to".

16 On page 1, line 10, delete "classroom teachers".

17 On page 1, delete line 13.

18 On page 2, delete line 1.

19 1164xa

20 Sen. Peters moved that HB 1164 be amended as follows:

21 On the pending amendment (1164ce), delete the last two instructions.

22 Which motion prevailed.

23 Sen. Heineman's amendment as amended prevailed on a voice vote.

24 The question being "Shall HB 1164 pass as amended?"

25 And the roll being called:

1 Yeas 34, Nays 0, Excused 1, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
4 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
5 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt;
6 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 Excused:

8 Buhl

9 So the bill having received an affirmative vote of a two-thirds majority of the members-
10 elect, the President declared the bill passed and the title was agreed to.

11 HB 1189: FOR AN ACT ENTITLED, An Act to permit townships to levy a capital
12 improvement property tax for highways, secondary roads, bridges, and culverts.

13 Was read the second time.

14 The question being "Shall HB 1189 pass as amended?"

15 And the roll being called:

16 Yeas 19, Nays 15, Excused 1, Absent 0

17 Yeas:

18 Adelstein; Begalka; Bradford; Ewing; Frerichs; Jensen; Johnston; Jones; Kirkeby; Krebs;
19 Lederman; Maher; Novstrup (Al); Omdahl; Rave; Sutton; Tieszen; Van Gerpen; Welke

20 Nays:

21 Brown; Heineman (Phyllis); Holien; Hunhoff (Jean); Lucas; Monroe; Olson (Russell); Otten
22 (Ernie); Peters; Rempelberg; Rhoden; Soholt; Tidemann; Vehle; White

23 Excused:

24 Buhl

25 So the bill not having received an affirmative vote of a two-thirds majority of the members-
26 elect, the President declared the bill lost.

27 HB 1050: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related
28 to the suppression of mountain pine beetles, to establish a cost share program with the counties
29 in the state, and to declare an emergency.

30 Was read the second time.

31 The question being "Shall HB 1050 pass as amended?"

1 And the roll being called:

2 Yeas 34, Nays 0, Excused 1, Absent 0

3 Yeas:

4 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
5 (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
6 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
7 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

8 Excused:

9 Buhl

10 So the bill having received an affirmative vote of a two-thirds majority of the members-
11 elect, the President declared the bill passed and the title was agreed to.

12 There being no objection, the Senate reverted to Order of Business No. 7.

13 **MESSAGES FROM THE HOUSE**

14 MR. PRESIDENT:

15 I have the honor to inform your honorable body that SB 114 was lost on second reading
16 and final passage.

17 Also MR. PRESIDENT:

18 I have the honor to inform your honorable body that the House has adopted the report of
19 the Conference Committee on SB 151.

20 Also MR. PRESIDENT:

21 I have the honor to inform your honorable body that SJR 2 was lost on second reading and
22 final passage.

23 Also MR. PRESIDENT:

24 I have the honor to inform your honorable body that SB 136 was tabled.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has failed to concur in
3 Senate amendments to HB 1214 and has appointed Reps. Hansen, Hunhoff (Bernie), and Westra
4 as a committee of three on the part of the House to meet with a like committee on the part of the
5 Senate to adjust the differences between the two houses.

6 Respectfully,
7 Arlene Kvislen, Chief Clerk

8 The President appointed Sens. Hunhoff (Jean), Peters, and Sutton as a committee of three
9 on the part of the Senate to meet with a like committee on the part of the House to adjust the
10 differences between the two houses on HB 1214.

11 **SIGNING OF BILLS**

12 The President publicly read the title to

13 SB 34: FOR AN ACT ENTITLED, An Act to provide for the sale of the state's interests
14 in certain real estate and improvements located at the Human Services Center campus.

15 SB 44: FOR AN ACT ENTITLED, An Act to allow disqualification of commercial driver
16 licenses for violations of federal, state, or local texting bans while driving a commercial vehicle
17 to comply with federal regulations and requirements.

18 SB 66: FOR AN ACT ENTITLED, An Act to revise the style and form of certain
19 provisions, to amend certain provisions to streamline and clarify, and to repeal certain obsolete
20 and unnecessary provisions pertaining to the Real Estate Commission.

21 SB 84: FOR AN ACT ENTITLED, An Act to create the South Dakota Athletic
22 Commission and to provide for the supervision of boxing, kickboxing, mixed martial arts
23 competitions and sparring exhibitions in the state.

24 SB 120: FOR AN ACT ENTITLED, An Act to revise provisions related to consent to
25 sexual activity.

26 SB 153: FOR AN ACT ENTITLED, An Act to clarify, remove inconsistencies from, and
27 revise certain provisions relating to the formation and operation of watershed districts.

28 SB 154: FOR AN ACT ENTITLED, An Act to revise the maximum weight allowed on
29 certain wide-based super single tires.

30 SB 158: FOR AN ACT ENTITLED, An Act to provide for the funding of educational
31 programs for children in residential treatment centers, intensive residential treatment centers,
32 or licensed group care centers.

1 SB 166: FOR AN ACT ENTITLED, An Act to revise the number of years that permits to
2 carry a concealed weapon are valid.

3 SB 174: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to out-of-
4 country foreign judgments.

5 SB 198: FOR AN ACT ENTITLED, An Act to revise the membership of the Judicial
6 Qualifications Commission.

7 SB 199: FOR AN ACT ENTITLED, An Act to exempt certain property used for
8 educational purposes from taxation.

9 HB 1048: FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions
10 related to the Department of Agriculture.

11 HB 1056: FOR AN ACT ENTITLED, An Act to revise various trust and trust company
12 provisions.

13 HB 1058: FOR AN ACT ENTITLED, An Act to repeal and revise certain statutes related
14 to the Animal Industry Board.

15 HB 1120: FOR AN ACT ENTITLED, An Act to allow regional intergovernmental
16 cooperation for sewer utilities and to provide for the establishment of rates and charges.

17 HB 1170: FOR AN ACT ENTITLED, An Act to revise certain provisions for a secondary
18 election if the candidates for the United States Senate, United States House of Representatives,
19 or Governor do not receive a sufficient percentage of the votes cast during a primary election.

20 HB 1209: FOR AN ACT ENTITLED, An Act to prohibit certain persons who fail to pay
21 certain campaign finance related penalties from running for office.

22 HB 1237: FOR AN ACT ENTITLED, An Act to revise certain provisions to abortion
23 counseling.

24 And signed the same in the presence of the Senate.

25 COMMEMORATIONS

26 SC 23 Introduced by: Senators Otten (Ernie), Brown, Monroe, Olson (Russell), Omdahl,
27 and Rave and Representatives Otten (Herman) and Latterell

28 A LEGISLATIVE COMMEMORATION, Honoring Mr. Tim Raabe of Lennox, South Dakota,
29 for being named High School Principal of the Year.

30 WHEREAS, Tim Raabe graduated from USD in 1972 with a B.S. in History Education and
31 received his M.A. in Secondary Administration from USD in 1995; and

1 WHEREAS, Tim Raabe has been in education for forty-one years, all of them in the Lennox
2 School District, and for twenty-four years he was a classroom teacher and coach before entering
3 administration; and

4 WHEREAS, in 1994, Tim Raabe was the SDHSCA Girls Assistant Coach of the Year; and

5 WHEREAS, Tim Raabe was the Lennox High School Activities Director from 1995-2000,
6 was selected Region 6 Athletic Director of the Year in 2000, and was selected Corn Belt
7 Guidance Counselor's Outstanding Administrator in 2002; and

8 WHEREAS, Tim Raabe became Lennox High School principal in 2004, the position he
9 currently holds, and received SEAP Pyramid Awards in 2008 and 2009; and

10 WHEREAS, Tim Raabe and his wife Marlene, who is an English teacher at Lennox Middle
11 School, have two daughters and eight grandchildren, who all live in Lennox. Mr. Raabe spends
12 his free time with his family enjoying most outdoor sports, primarily riding his Harley:

13 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the
14 State of South Dakota, that Mr. Tim Raabe be honored for being named High School Principal
15 of the Year.

16 SC 24 Introduced by: Senators Otten (Ernie), Brown, Monroe, Olson (Russell), Omdahl,
17 and Rave and Representatives Otten (Herman) and Latterell

18 A LEGISLATIVE COMMEMORATION, Honoring Tim Koehler, of Harrisburg, South Dakota,
19 for being named Middle School Principal of the Year.

20 WHEREAS, Tim Koehler is approaching on this twenty-fifth year in the Army National
21 Guard; and

22 WHEREAS, Tim met his wife Jennifer while majoring in Elementary Education at the
23 University of South Dakota in Vermillion, South Dakota, and they have a son Ethan in the fifth
24 grade; and

25 WHEREAS, Tim Koehler has won the Champion Pyramid Team Builders Award; and

26 WHEREAS, Tim Koehler was the principal of Beresford Middle School for two years and
27 the Middle and High School principal for a year, as well as the principal of grades 6-12 at
28 Hartington, Nebraska, for a year; and

29 WHEREAS, Tim Koehler implemented the one-to-one iPad program, which is an evaluation
30 system to streamline teachers' interaction, and created student-led parent teacher conferences;
31 and

32 WHEREAS, Tim Koehler was nominated unanimously by the entire staff in the Beresford
33 School District for this award:

1 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the
2 State of South Dakota, that Mr. Tim Koehler be honored for being named Middle School
3 Principal of the Year.

4 SC 25 Introduced by: Senator Lederman and Representatives Bolin and Miller

5 A LEGISLATIVE COMMEMORATION, recognizing Billy Wiseman for his achievements and
6 his personal service to the state of South Dakota, and to the United States as a part of the
7 2013 Special Olympic Games in South Korea.

8 WHEREAS, Billy Wiseman of Elk Point, South Dakota has served the Special Olympics
9 for eight years, serving as a floor hockey partner for the past three years, teaching the sport,
10 providing leadership, and acting as a role model to the Special Olympic athletes; and

11 WHEREAS, Billy traveled to PyeongChang, South Korea to represent the United States at
12 the 2013 World Winter Games; and

13 WHEREAS, Billy served as a Legislative Page for the Senate during the 2011 Session, is a
14 currently a member of the Nebraska National Guard and a member of the Army ROTC at the
15 University of Nebraska, Lincoln:

16 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the
17 State of South Dakota, that Billy Wiseman be recognized for his service to South Dakota, the
18 United States, and to the Special Olympics.

19 SC 26 Introduced by: Senator Lederman and Representatives Miller and Bolin

20 A LEGISLATIVE COMMEMORATION, Honoring and recognizing Taylor Lambert and
21 Tanner Lambert on winning individual South Dakota Class A state wrestling championship
22 titles for Dakota Valley High School.

23 WHEREAS, Taylor finished his senior year with a 40-2 record and earned his first Class A
24 state championship in the 220-pound weight class; and

25 WHEREAS, Tanner finished his senior year with a 40-2 record and earned his second Class
26 A state championship in the 285-pound weight class; and

27 WHEREAS, Taylor and Tanner Lambert started wrestling during their sophomore year.
28 Taylor finished his wrestling career with an overall 95-21 record, and Tanner finished his
29 wrestling career with an overall 111-13 record; and

30 WHEREAS, Taylor and Tanner are exceptional athletes in wrestling, track, and football, and
31 both plan on continuing their football careers at the University of South Dakota and South
32 Dakota State University, respectively:

1 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the
2 State of South Dakota, that Taylor Lambert and Tanner Lambert be honored and recognized for
3 their outstanding performances at the 2013 South Dakota Class A State Wrestling Tournament.

4 SC 27 Introduced by: Senators Otten (Ernie), Brown, Monroe, Olson (Russell), and Rave
5 and Representatives Otten (Herman) and Latterell

6 A LEGISLATIVE COMMEMORATION, Honoring Dale Cook as 2012 Tea Firefighter of the
7 Year.

8 WHEREAS, Dale Cook was chosen by the nomination committee of the Tea Fire
9 Department which includes all past Tea Firefighters of the Year; and

10 WHEREAS, several candidates were submitted for nomination, but Mr. Cook was chosen
11 for his outstanding work as the president of the Tea Volunteer Fire Department; and

12 WHEREAS, Mr. Cook spent untold hours restoring confidence in the Tea Fire Department
13 concerning both its financial stability and its ability to meet community needs and obligations;
14 and

15 WHEREAS, Mr. Cook was awarded the 2012 Tea Firefighter of the Year award by the
16 nominating committee at the annual Pride and Preservation Banquet on January 12, 2013, at the
17 Tea Events Hall:

18 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the
19 State of South Dakota, that Dale Cook be honored as the 2012 Tea Firefighter of the Year.

20 Sen. Brown moved that the Senate do now adjourn, which motion prevailed and at
21 7:35 p.m. the Senate adjourned.

22 Jeannette Schipper, Secretary